

REPORT
OF
THE SECRETARY OF STATE,

IN ANSWER TO

A resolution of the Senate of inquiry as to the measures taken by him upon the memorial of Ladislaus Wankowicz, great-grandnephew of General Kosciusko, and Gaspard Tochman, attorney of the heirs of General Kosciusko, against Alexandre de Bodisco, the Russian minister.

MAY 22, 1850.

Laid upon the table.

MAY 23, 1850.

Ordered to be printed.

DEPARTMENT OF STATE,

Washington, May 21, 1850.

The Secretary of State has the honor to acknowledge the receipt of the resolution of the Senate of the 9th instant, in the following words:

“*Resolved*, That the Secretary of State be required to inform the Senate what measures he has taken upon the memorial of Ladislaus Wankowicz, great-grandnephew of General Thaddeus Kosciusko, and Gaspard Tochman, attorney for the heirs of General Kosciusko, against Alexandre de Bodisco, minister from Russia accredited to this government.”

By permission of the President, the Secretary of State has the honor to lay before the Senate the accompanying correspondence and papers, which contain all the information in this department in regard to the subject of the resolution. From this correspondence, it will appear that on the 8th day of October, 1846, Gaspard Tochman addressed a letter to his Excellency James K. Polk, then President of the United States, charging Alexandre de Bodisco, the Russian minister residing in Washington, with a violation of his rights and privileges as a citizen of the United States, and soliciting the President to request that minister to retrace his steps and to revoke a note which Major Tochman alleged had been written by the minister to his government at St. Petersburg, and to take still further measures in case the minister persisted in his course. The President promptly referred this communication to the Secretary of State. Afterwards, on the 15th of November, 1846, Major Tochman addressed another letter to the honorable James Buchanan, then Secretary of State, making other representations, and again claiming protection for his rights as an American citizen. The decision of the last administration upon these complaints of Major Tochman, which have lately been renewed, will be found in the accompanying copy of a letter of Mr. Buchanan to

Gaspard Tochman, esquire, of the 21st November, 1846. That decision was, "that the case represented by Major Tochman was not deemed to be a proper one for the intervention of this government."

I have not felt myself at liberty to overrule this decision of my predecessor. When the documents connected with the complaint against the minister were referred to this department by the Senate, it was well known that we had neither minister nor secretary of legation at St. Petersburg. Nominations to those offices were submitted to the Senate in January, 1850, but they were not acted upon by the Senate. Within a few days past the nominations have been confirmed; but it would not be possible to make any representations in behalf of Major Tochman to the Emperor of Russia against Mr. Bodisco, before Mr. Brown, who has not yet set out on his mission, should arrive in St. Petersburg. It is therefore unnecessary for me to state to the Senate that no steps were, or could have been taken, at the date of their resolution on the 9th day of May, on the letters of Major Tochman and L. Wankowicz, addressed to this department on the 21st of March last. But concurring, as I do fully, in the opinion of Mr. Buchanan; that the case presented against Mr. Bodisco is not a proper one for the intervention of this government, I should not have deemed it proper to have addressed any representations to the Emperor of Russia on the subject, had there been an American minister at St. Petersburg. Mr. Bodisco was, and for some months had been, in Russia, when Major Tochman made complaints against him to me. Within a few days past he has returned to Washington. During his absence misrepresentations greatly to his prejudice were industriously circulated, representing, among other things, that he had been exiled to Siberia. Viewing it as the duty of this department to protect the ministers of nations with whom it has friendly intercourse, against unjust attacks upon their characters, designed to injure them at home, I now feel constrained to declare that Mr. Bodisco has sustained in all his intercourse with this department the character of an able, upright, and honorable representative of his country.

On the receipt of the Senate's resolution of the 9th instant, I availed myself of what I thought the best source of information, by writing to a professional gentleman of high reputation in this District, well acquainted with the controversy in which the Russian minister has been involved, and connected with the government, as the district attorney in Washington. That note and his reply are herewith submitted. The grounds for my decision being now fully laid before the Senate, I respectfully return to them the documents referred to me, to the end that they may adopt any measures which to them shall seem expedient.

Respectfully submitted.

JOHN M. CLAYTON.

List of accompanying papers.

1. G. Tochman to President Polk, with enclosure, October 8, 1846.
2. G. Tochman to the Secretary of State, November 15, 1846.
3. Secretary of State to G. Tochman, November 21, 1846.
4. Ladislaus Wankowicz and G. Tochman to the Secretary of State, March 21, 1850.
5. Mr. Clayton to Mr. Fendall, May 11, 1850.
6. Mr. Fendall to Mr. Clayton, with enclosures, May 20, 1850.
7. Original memorial and other papers, filed on behalf of the heirs of General Kosciusko, transmitted to the Department of State in January last, by direction of the Senate.

WASHINGTON, *October 8, 1846.*

SIR: I beg leave to solicit your Excellency's protection against the proceedings of a foreign minister, Mr. Bodisco, who, in violation of the international polity and law of nations, is encroaching upon the free enjoyment of my rights and privileges as a citizen of the United States.

I am a Pole by birth; and I came to this country fleeing from the oppression and political persecutions which the government of Russia has been perpetrating upon the sons of Poland, who, in 1830, took up arms in defence of their rights and independence. Having become a citizen of these United States, I qualified for a member of the bar, and am now practising law, as an attorney and counsellor of the Supreme Court of the United States. As such, I have been legally authorized by the next of kin of General Thaddeus Kosciusko, (descending from his sister Ann, who was married to Peter Estko,) to take charge of their several suits concerning the fund which General Kosciusko left in this country in 1798, and which suits have been pending since 1823 in the courts of the District of Columbia. In giving me this power of attorney, the heirs of General Kosciusko could not be, and were not, stimulated by any political motives. They addressed themselves to me as to an American citizen and a member of the bar, requesting my legal aid; because their former counsel, who were recommended to them by Mr. Bodisco, the Russian plenipotentiary minister, kept their papers since 1838 or 1839, and did not make a single legal step to secure the property, nor to establish their right to it: nay, they admitted against the heirs a decree, by default, adjudicating to Kosciusko Armstrong, of New York, about \$10,000 claimed under a testament which is void and had been revoked by General Kosciusko. Subsequently to my taking charge of their several suits, the heirs of General Kosciusko wrote a letter to Mr. Bodisco, (a copy of which, marked A, is enclosed here,) requesting him to reclaim the papers from the former counsel, and to transmit them to me, through their cousin and agent, Mr. Chutkowski, late of the United States army, who resides in New York. Mr. Chutkowski did not apply to Mr. Bodisco for the delivery of these papers; because, acting under my power of attorney, and previously to the reception of that letter, I had associated with Messrs. Fendall and Bradley, and agreed to carry conjointly the several suits of the heirs—which association and agreement had placed at my disposal the papers referred to, they having been then,

and being now, in the hands of Mr. Fendall, who formerly was, and is now, one of the counsel of the heirs.

But, I have been recently informed, the Russian plenipotentiary minister, Mr. Bodisco, wrote to St. Petersburg an official diplomatic note requesting his government to force the heirs of General Kosciusko to revoke my power of attorney, and to send another in the names of Messrs. Fendall and Bradley; and this he has done from no other motives but because I am a Pole by birth, and fled from the political persecution of his Majesty the Emperor of Russia.

As such interference of a foreign minister with the rights and privileges of a citizen of the country to which he has been sent to represent his sovereign is altogether inconsistent with the international polity, violates the law of nations, and would prove very pernicious to the nation which should permit the foreign minister to trample in this way upon the rights of its adopted citizens—supporting, therefore, this petition upon those principles of international polity and law of nations, I respectfully solicit your Excellency that Mr. Bodisco be requested to rescind immediately from the steps which he has taken, and to revoke his above mentioned note, which he had addressed to his government. And if he persists in his unlawful and arbitrary proceeding, may it please your Excellency to take such further measures as will be consistent with the honor of my adopted country, and sufficient to protect my rights.

I have the honor to be, with the highest respect, &c.,

GASPARD TOCHMAN.

To his Excellency JAMES K. POLK,

President of the United States.

Referred to the Secretary of State, whose attention is requested to this communication.

J. K. P.

OCTOBER 8, 1846.

A.

Copy of a letter to Mr. Bodisco.

SIR: It would be difficult for me to express all the gratitude I feel for the kindness your Excellency has deigned to manifest in our matters, which encourages me to have recourse to you again. Be pleased to believe that those counsels are to me of the greatest possible importance. But your Excellency is not aware, perhaps, that Mr. Smith is a relative of Mr. Bomford. Allow me, also, to remind you that we have to act against the administrator, who controls the funds; and furthermore, that we are not able, at this moment, to send the sum of \$500 which has been asked of us. Our cousin, Mr. Chutkowski, has given us proofs of his devotion and fidelity: he recommends to us Mr. Tochman, of New York, as attorney in the case; and, as it appears from the letter I had the honor to receive from your Excellency, dated 4th (10th) May, 1845, that the attorneys are not yet legally authorized, conformably to the permission previously granted to us that we should appoint our own attorneys to defend our cause in the American

courts of law, we wish to give the preference to that gentleman. Your Excellency will pardon me, I trust, if I presume humbly to request to be allowed to make this exchange of attorneys, and also that you will have the kindness to cause to be forwarded to him, through Mr. Chutkowski, who resides in New York, the papers which are now in the hands of the lawyers previously employed. I beg that your Excellency will be pleased to take into consideration that Messrs. Fendall and Smith have not made any progress whatever in our case, and that consequently they have no right, in my opinion, to claim any compensation.

2d (14th) NOVEMBER, 1845.

WASHINGTON, *November 15, 1846.*

(At Mrs. Hamilton's.)

SIR: A notice is circulated throughout the Union by the public press stating that Mr. Bodisco, the Russian minister, has made application to this government to deliver me to the Russian authorities as one of the refugees who fled from the persecutions which his benevolent Emperor perpetrates upon the Poles who defended the rights of their native land in 1830. Nobody will certainly believe that such a requisition, if made, could be complied with, or that it could dishonor me in any way. I presume, however, that this notice originated in some misapprehension of the measures which I have taken to defend my rights against the designs of Mr. Bodisco and his government to reach me in my character of American citizen, and to punish me for my political doings in Poland, by compelling the heirs of General Thaddeus Kosciusko to revoke my power of attorney in the suits pending in the courts of Washington, which I am attending to. If I am not mistaken in this supposition, it is due to me, to Mr. Bodisco, and to his government, that the misstatement of the above notice, whatever may be its origin, be corrected; and to this end I respectfully beg your honor to inform me whether Mr. Bodisco has ever made application to this government to deliver me to the Russian authorities or not?

I also beg your honor to inform me what measures his Excellency the President has adopted to protect my rights of American citizen against Mr. Bodisco's encroachments thereon, as stated in my petition which I had the honor of handing to his Excellency the President on the 8th of October last.

I am, with the highest respect, your honor's most obedient servant,
G. TOCHMAN.

HON. JAMES BUCHANAN,
Secretary of State.

DEPARTMENT OF STATE,
Washington, November 21, 1846.

SIR: In reply to the inquiry contained in your note of the 15th instant, respecting the notice which you say is being circulated throughout the Union by the public press, I have to state that the diplomatic representa-

tive of his imperial Majesty at Washington has not made any "application to this government to deliver you to the Russian authorities."

I have also to inform you, with reference to the note addressed by you to the President on the 8th ultimo, which has been referred to this department, that the case therein represented is not deemed to be a proper one for the intervention of this government.

I am, &c.,

JAMES BUCHANAN.

GASPARD TOCHMAN, Esq.,
Washington, D. C.

WASHINGTON, D. C., *March 21, 1850.*

SIR: On the 14th day of April, 1849, the undersigned, Ladislaus Wankowicz, addressed to the Emperor of Russia a complaint against Mr. De Bodisco's interference with a legal business of the heirs of General Thaddeus Kosciusko, pending in the courts of the District of Columbia. That complaint was transmitted to his Majesty the Emperor through the medium of the honorable A. P. Bagby, then minister of the United States at St. Petersburg. Having not received any answer, the undersigned, conjointly with the attorney of the heirs, who joins in addressing you, presented a memorial to Congress praying that effective measures may be taken to call the attention of his Majesty the Emperor to the complaint which was addressed to him. The object in memorializing Congress was to obtain some protection for the interest of the heirs of Kosciusko, and the right and privileges of the undersigned, G. Tochman, as a naturalized citizen of these United States, most wantonly encroached upon by Mr. de Bodisco. The Senate, on the 23d day of January, upon recommendation of the chairman of the Committee on Foreign Affairs, directed that memorial to be transmitted to you. The following was the conclusion of the recommendation of the chairman of the committee: "We must take it for granted that the Secretary of State will inquire into the matter, and do that which is proper to defend the rights and promote the interest of every American citizen requiring executive aid."

Having not heard from you in the premises until this day, we respectfully beg you to inform us what measures have been taken in this matter; and, if correspondence has already been opened with the Minister of Foreign Affairs of the empire of Russia, we beg you to let us know whether any answer has been given to you in this respect.

We have the honor, sir, to subscribe ourselves your most obedient servants,

LADISLAUS WANKOWICZ,
Great grandnephew of General Kosciusko.
G. TOCHMAN,
Attorney of the heirs of General Kosciusko.

HON. JOHN M. CLAYTON,
Secretary of State.

DEPARTMENT OF STATE,
Washington, May 11, 1850.

SIR: I transmit to you certain documents referred to this department by the Senate of the United States, with a view to ascertain whether the rights of Major Tochman and others, therein referred to, as citizens of the United States, have been encroached upon by the Russian minister residing in Washington, and whether he has interfered with the estate of Kosciusko in any manner to justify any proceeding on the part of this government; and I desire you to communicate all other information in your possession relating to the subject of the complaints of the heirs of Kosciusko.

I have the honor to be, sir, very respectfully, your obedient servant,
JOHN M. CLAYTON.

PHILIP R. FENDALL, Esq.,
District Attorney for the District of Columbia.

OFFICE OF UNITED STATES ATTORNEY D. C.,
Washington, May 20, 1850.

SIR: On the 14th instant I received your letter of the 11th, with the documents accompanying it. The letter states that the documents are transmitted "with a view to ascertain whether the rights of Major Tochman and others, therein referred to, as citizens of the United States, have been encroached upon by the Russian minister residing in Washington; and whether he has interfered with the estate of Kosciusko in any manner to justify any proceeding on the part of this government." The letter also expresses your desire that I should "communicate all other information in [my] possession relating to the subject of the complaints of the heirs of Kosciusko." The documents accompanying the letter are—

1. A printed document of the Senate, headed 31st Congress, 1st session, miscellaneous No. 11, and entitled "Memorial of Ladislav Wankowicz, great-grandnephew of Kosciusko, and of G. Tochman, attorney of the heirs of Kosciusko, praying that measures be taken to protect certain rights of the heirs of Kosciusko."

2. Resolution of the Senate, 23d January, 1850.

3. Resolution of the Senate, 9th May, 1850.

Certain transactions in the case mentioned in the memorial, induced one of the counsel engaged in it to address a letter, on the 23d of February, 1847, to Mrs. Catharine Estko, the party at whose instance, more particularly, proceedings were had to recover for the heirs of General Kosciusko the fund in this country which he had left in the hands of President Jefferson. I herewith transmit a copy (marked A) of that letter, and respectfully refer you to it as containing a part of the information which you call for. It notices the circumstances in the conduct of the memorialist, Tochman, that made necessary the power of attorney which the memorial complains of; the motive and object for that proceeding; the explanations made to him in regard to it; his dissatisfaction at first, and subsequent acquiescence; and the further action on his part which determined the counsel employed through the agency of the Russian legation to give to the power of attorney, if obtained, an operation different from the original design. Such a purpose is announced in the letter to

Mrs. Estko, as it had before been in the orphans' court, in the hearing of the memorialist, Tochman. To the statement on this head, contained in the letter to Mrs. Estko, I now add, that more than a year after the date of that letter, the counsel alluded to received a power of attorney executed by Mrs. Estko, (she being the assignee of Hippolitus Estko, one of the heirs of Kosciusko,) Roman Estko, Ludwica Narbut, two other of the heirs, giving full authority over the subject, and covering one-half of the fund in litigation. This instrument stands, up to the present moment, unrevoked.

In the view taken by the counsel of the conduct of the memorialist, (Tochman,) it became their imperative duty to resist the pretensions which he urged after his letter of 18th January, 1847, to control the case. They, therefore, requested Mr. Bodisco, through whom their services had been engaged, to state to the orphans' court the origin and extent of his authority, and to ask a suspension of any proceedings not necessary to the conservation of the estate, till the heirs in Europe should have had an opportunity, after receiving full explanations, of finally electing their counsel. And moreover, Dr. Causin, then judge of the orphans' court, desired to receive from primary sources information as to the conflicting claims of counsel offering to represent parties in his court. He therefore, as I afterwards learned from both himself and Mr. Bodisco, sought and obtained an interview with Mr. Bodisco on this subject. This I believe to be the history of Mr. Bodisco's letter of 15th February, 1847, to the judge of the orphans' court, which has been denounced as an encroachment on the rights of American citizens.

In September, 1847, the memorialist, Wankowicz, came to Washington, and invested the counsel employed through the Russian legation with full authority to represent himself and others of the Zolkowski branch of Kosciusko's heirs. He received from Mr. Bodisco, as I am well informed, the most courteous treatment and particular kindnesses, as substantial as they were seasonable. He afterwards connected himself with the memorialist, Tochman, and in April, 1848, revoked the authority just mentioned.

Appended to the memorial is a letter, dated 9th November, 1847, from Mr. Bodisco to the Hon. Reverdy Johnson, and Mr. Johnson's answer, dated 23d November, 1847. The correspondence was placed in the hands of the counsel by Mr. Bodisco. Herewith are copies of the first and last letters, (marked B and C,) neither of which is exhibited with the memorial. You will observe that the reply of Mr. Bodisco distinctly admits the rights, which he was supposed to have denied, of foreign suitors in American tribunals.

On receiving your communication, I addressed a letter to Joseph H. Bradley, esq., asking him for a statement of any facts within his knowledge likely to elucidate the point of your inquiry. His answer (marked D) accompanies this letter.

Your communication being addressed to me in my official capacity, my answer is written in the same character. Under different circumstances I should perhaps, as one of the parties named in the memorial and its exhibits, claim to examine before you, as well some of the averments in those papers, as the peculiar theory concerning "the rights of American citizens," which the papers imply.

I return, herewith, the documents which accompanied your letter, and am, sir, very respectfully, your obedient servant,

P. R. FENDALL.

HON. JOHN M. CLAYTON,
Secretary of State.

A.

WASHINGTON, *February 23, 1847.*

MADAM: Some recent proceedings, affecting the interests in this country of the heirs of the late General Kosciusko, induce me to make to you the following statement:

Some time after the death of the late Mr. Swann, I was invited by Mr. Thomas Swann, jr., one of his sons and executors, with the consent of the Russian minister, Mr. Bodisco, to succeed the deceased, Mr. Swann, as one of the counsel for the heirs of General Kosciusko, in prosecuting their claim to the fund left by him in the hands of the late President Jefferson. The negotiation, after being apparently concluded, was ultimately broken off by the refusal of the heirs of Mr. Swann (who looked to the contingency of success in recovering the fund for the remuneration of the services he had rendered) to provide, or to contribute to providing, any means for defraying the costs and charges of litigation. The papers which Mr. Swann, jr., had handed to me for examination, I was requested to return to the Russian minister, from whom they had, as he stated, been received. Mr. Bodisco declared himself to be without authority to make any provision for expenses, but promised to communicate with the heirs on that subject, as well as on the subject of compensation for the services asked of me. I stated to him that I should, of course, prefer the compensation to be in the usual mode of a retainer, but, this being understood to be inconvenient, if not impracticable, that I would consent to engage for a compensation contingent on the result, if the rate of it were first fixed. These two points, a provision for the current expenses of the contest, including the costs of court, costs of collecting testimony, cost of translations, &c., and the fixing of the rate of compensation, I insisted on, as preliminary to any absolute and positive engagement on my part.

I had several interviews on the subject with Mr. Bodisco, who always manifested the most friendly solicitude for your interests, and whose position, knowledge of business, and energy, have enabled him to render to you most essential aid. At one of the interviews referred to, I suggested to him the association with me of Mr. Bayard Smith—the probable labor of the case being such as to require more than one counsel, under any circumstances; and it being likely, moreover, that official duties with which I was then charged might require my presence in another court at times when some action on the part of counsel for the heirs might be wanted. Mr. Bodisco, knowing, as well as myself, the merit, professional and personal, of Mr. Smith, readily adopted the suggestion. Mr. Smith concurred in my views as to the two preliminary points. Mr. Bodisco answered as before. We expressly disclaimed any definitive engagement as general counsel in the case till these points should be adjusted, but agreed to at-

tend to one part of it, which was then pressing. Had you sufficiently known or considered this fact, you would not, I presume, madam, have lent a willing ear to some complaints which have been made to you.

Mr. Smith and myself thought that, when we consented to undertake an old, complex, and troublesome case, which might last for years, for a compensation contingent on an event which might never happen, we consented to all that the liberality of counsel could be expected to grant, or the delicacy of clients to accept. We considered it as utterly out of the question, in addition to all this, that we should assume any pecuniary responsibility, to say nothing of other objections to carrying on the suits at our own expense. And, on the head of expenses, I would mention that in our courts the agency of several officers, among whom is the clerk, is necessary in the conduct of a suit; that the remuneration of these officers is made, not by a salary from the government, but in the form of fees paid by the parties in each particular case; and that the clerk is not obliged by law to render any services to absent plaintiffs which they do not secure the payment of. This is usually done either by some resident citizen becoming security or by depositing a fund with counsel for that purpose. It was the payment of these fees, and the other occasional expenses incident to such a controversy, for which we desired the heirs to make provision. And in so desiring, I cannot see that we deserved the imputation of being "interested persons," in a derogatory sense of the term, any more than a stranger in Europe would do who should decline expending his money for some purpose of ours in that country without being indemnified. This condition proceeded, undoubtedly, from a proper regard to our own interests; but I am at a loss to see how it implied any neglect of yours. At all events, it *was* a condition, and one uniformly adhered to by Mr. Smith, with the exception before indicated, and by myself, until the occurrence of events, about fifteen months ago, which will presently be noticed.

The exception referred to was the claim of Klimkiewicz, which, while we were awaiting a communication from your family, assumed an alarming aspect. His pretensions were sustained by testimony apparently strong. We were without legal evidence to substantiate your claim, the papers sent being informal, and not such as we had called for; and, even if they had been furnished according to instructions, they would not have been availing without an answer to Klimkiewicz's bill. An answer was prepared by Mr. Smith, and sent to Poland, through the Russian legation, in order to be signed, authenticated, and returned to us. But it never came back, though we repeatedly urged upon the heirs, through the same medium, the pressing necessity of our having this document and the proofs, in order to prevent a decree in favor of Klimkiewicz. This was, however, fought off from time to time, until at length that individual died, and the suit abated. It has not been revived.

In the fall of 1845, a stranger called on me, introducing himself as Major Tochman, and as the writer of a letter which I had before received, stating that he was employed to co-operate with me as assistant counsel in prosecuting the claims of the next of kin of General Kosciuszko. Being particularly engaged at the time, and desiring to confer with Mr. Smith before going into details with a person of whom I knew nothing, I requested him to call again. Before he did so, I had seen Mr. Smith, who agreed with me that, as our whole authority in the case was received from Mr.

Bodisco, it was proper that he should be consulted on the subject of Mr. Tochman's proposition; and I accordingly so informed Mr. Tochman, on his next visit. When I stated to Mr. Bodisco the application which had been made by Mr. Tochman, Mr. Bodisco answered, that the interest of the claimants had been confided to his charge, as the representative in this country of the Russian government, and in consequence of their earnest appeals to the Emperor for his interposition; that the political relations, which he minutely explained, of Mr. Tochman to the Russian government, were such as to make it wholly impossible for its minister to recognise him as counsel or agent in a case under its superintendence; but that he had no objection to any private arrangement which Mr. Smith and myself might think proper to make with Mr. Tochman, and indeed thought that such an arrangement might be expedient, inasmuch as Mr. Tochman's knowledge of the Polish language might render him useful as a translator. At my next interview with Mr. Tochman, I communicated to him these views of the minister, and took especial pains to impress on his mind the propriety, and indeed necessity, in the event of any agreement with him, of avoiding any step which might, in Mr. Bodisco's judgment, tend to compromise that minister. On this occasion, some conversation ensued as to the details of the case. I explained to him the circumstances and the extent of my professional connexion with it; my desire that, before that connexion should be made absolute, some understanding should be had as to the rate of compensation for the services of counsel, and especially that some provision should be made for actual expenses. On this latter point I felt the more free to insist, because, in the course of his remarks, he stated that one of the claimants was in independent, perhaps wealthy, circumstances. Mr. Tochman adverted with an appearance of dissatisfaction to a statement which he had heard, that Mr. Smith, my associate in the case, was a relation of Colonel Bomford, the administrator. I answered, that the information was new to me; that I did not believe it to be correct, (as in point of fact it was not;) and that, even if it were, Mr. Smith was a gentleman of scrupulous and well known honor and integrity, and could not be influenced by such a consideration in the discharge of a professional duty to a client. Mr. Tochman read to me a portion of some paper in his possession, purporting to express a wish on the part of the claimants, or some of them, that Mr. R. S. Coxe or Mr. Bradley should be associated in the prosecution of their claim. I informed him that Mr. Coxe was employed on the other side, but that Mr. Bradley was, I presumed, disengaged—Mr. Chutkowski, who had consulted him, having abandoned the position of being himself a claimant; remarking, also, that Mr. Bradley was among the most able and distinguished members of the American bar. After this conversation, Mr. Smith and myself again called Mr. Bodisco's attention to our position in the case, and to the points which we had often before desired him to submit to the heirs. The minister being still without authority on these subjects, the aspect of the case being such that the interests of the heirs required immediate action, and Mr. Smith having resolved to retire from the case, Mr. Bradley expressed his willingness to take Mr. Smith's place, and to share with me the pecuniary responsibility, which I had before uniformly declined to assume. I waived my objection on that head, and conferred with Mr. Bodisco, who cordially sanctioned the association of Mr. Bradley. On the 28th or 29th of November, 1845, Mr. Bradley, Mr. Toch-

man, and myself entered into a written agreement to give the necessary security, and to go on with the case conjointly—the compensation to be left for future adjustment with the heirs, but fixed as between the parties to the agreement. Within a few days afterwards, a paragraph appeared in the *National Intelligencer*, ostentatiously announcing Mr. Tochman's professional connexion with the case—a publication doubtless made at his instance, and in utter disregard of the caution I had so earnestly endeavored to impress on his mind as being essential to the interests of the heirs. The publication excited, as was to have been expected, the displeasure of Mr. Bodisco. He required either that we should prepare a power of attorney to myself and Mr. Bradley alone, or that an early day should be appointed for the return of the papers which had been placed in my hands. This proceeding was made known by Mr. Bradley to Mr. Tochman, with a distinct assurance that, if the proposed power should be executed, it would not be used in prejudice of the agreement of November, but that, on the contrary, it was the fixed purpose of both Mr. Bradley and myself to carry out that agreement in good faith—the power being, so far as we were concerned, wanted only to meet the difficulties of Mr. Bodisco, and to avert ill consequences. The provision in it for compensating counsel, Mr. Tochman would have had the full benefit of, under our agreement. Though at first manifesting high displeasure at this suggestion, he repeatedly afterwards expressed his acquiescence in it. Two powers of attorney were sent to Mr. Bodisco on the 23d of January, 1846—one to be executed by the Estko, and the other by the Zolkowski branch of the claimants. The case, being started by the engagement of Mr. Bradley and myself to become responsible for expenses, has since been prosecuted with all possible despatch. On examining the proceedings had while it was under the care of the former counsel, Mr. Bradley suggested a course of action in some respects different from that of the original counsel, and for reasons which commanded my cordial assent. He took the leading part in carrying out the plan which he proposed. Being of opinion that additional security from the administrator was necessary, and the existing law not meeting the exigency, he prepared an amendment to the law, procured for it the recommendation of the grand jury, submitted it to the proper committee of Congress, and it was enacted into a law. Under that law was prepared a petition to the orphans' court; and that tribunal required the administrator to give additional security in the amount of \$20,000, which was done. This was not satisfactory to us. Mr. Bradley afterwards prepared a petition for further security, founded, in part, on information given by Mr. Tochman, which he failed to make good by proof. The petition was dismissed, and we reserved the right of appealing from the order dismissing it to the circuit court. On the very day of the dismissal, one of Colonel Bomford's counsel informed me that the course of Mr. Tochman to Colonel B. had been personally so wantonly injurious and offensive as to determine Colonel B. and his counsel to resist his proceedings; but, believing that Mr. Bradley and myself were influenced purely by a sense of professional duty in our acts, and that we were sincere in the opinion we had expressed that the administrator ought to give additional security, Colonel Bomford's counsel would recommend him to give it in such amount as Mr. Bradley and I thought necessary, in advance of the compulsory proceedings which we meditated. I was pleased at the suggestion, because, if acted on, it would avoid the delays which

the law enabled the administrator to oppose to such proceedings, and the expense and trouble incident to them. On conferring together, Mr. Bradley and I thought \$40,000 additional to the \$20,000 already given would be sufficient. This opinion was promptly communicated to Mr. Tochman, who cordially concurred in it. Colonel Bomford was informed, through his counsel, of our assent to the proposed arrangement. It was finally agreed on; the bond was prepared; and the filing of it was delayed only till a deed of trust for the benefit of the sureties could be completed. To all these facts Mr. Tochman was privy. He even knew who the sureties were, and expressed entire satisfaction with them. In this state of things, a notion, which he had before conceived, that a proceeding in chancery, called a bill *quia timet*, was the right course, again took possession of his mind. Mr. Bradley and myself opposed the measure, as well on the ground of its inherent unfitness for effecting the object in view, and of its probable failure under our local law, as of its tendency to prevent the consummation of the arrangement already made for effecting that same object. He nevertheless persisted in filing the bill; and though, in a letter of his, which will presently be noticed, he admits that both the counsel associated with him were adverse to the measure, and indeed relies on that fact as enhancing his own particular merit, he took upon himself to sign the name of one of them, Mr. Bradley, to it. The effect of this crude and reckless experiment was very nearly to defeat the arrangement already agreed on for the bond—Bomford and his counsel feeling indignant at the movement, as a breach of faith. This evil, however, was averted, and the bond was filed.

The omission of the heirs to take the steps necessary for the defence of their interests had enabled Kosciusko Armstrong to advance his claim to a legacy, under the will of 1806, to the stage of getting a decree for the payment of the money. In the conferences of counsel, after the agreement of November, 1845, the cases of the *Estkos vs. Lear*, and *Armstrong vs. Lear*, printed in the reports of the Supreme Court of the United States, were examined and considered—in which cases are noticed two subsequent wills of General Kosciusko. Copies of these wills were filed as exhibits by Klimkiewicz; and Mr. Bradley so informed Mr. Tochman, and indeed showed them to him. In order to arrest the proceedings in Armstrong's case, it was determined to file a bill of review, which was accordingly prepared by Mr. Bradley, and filed. Thus the execution of the decree in that case was suspended. Mr. Bradley prepared an elaborate petition to the orphans' court, praying leave to contest in that court the will of 1806. The application was resisted by the opposite party; the orphans' court decided in our favor; an appeal was taken to the circuit court, which was there most ably and elaborately argued by Mr. Bradley. Mr. Tochman was not at that time in this city, and, had he been here, could not have rendered the slightest service. The circuit court decided in our favor. The preliminary question and the case went back to the orphans' court. We there availed ourselves of a particular provision in our local testamentary law to request an issue to be sent to the circuit court, to enable us to obtain proof of the execution of the will made in 1816, at Soluer, in Switzerland. Under precise instructions from Mr. Bradley, Mr. Tochman wrote to a correspondent in Paris to get an exemplification of that will. The document was received, and offered for record in the orphans' court. Mr. Tochman having failed to follow strictly his instructions,

some further proof was necessary, which he was instructed how to obtain here, and did obtain.

In the further progress of the Armstrong case, it was necessary to file an answer to the bill. This was prepared by me, handed to Mr. Tochman for revision, and by him returned to me, copied. The copy was filed, and the original is still in my possession.

While your case was at the stage in its progress to which the foregoing outline brings it, Mr. Tochman addressed a letter to Mr. Bodisco on the 18th of January last, which he followed up by another, dated on the 22d of that month. So soon as Mr. Bradley and myself had authority to use the letter of 18th January, we addressed a note to Mr. Tochman, apprising him that we could not henceforth have any further intercourse with him. Annexed to this communication are copies of those letters. The outline just given, and of which Mr. Bradley will confirm the accuracy, so far as it relates to the period of time since Mr. Tochman's connexion with the case, will enable you to determine how far the author of such letters is entitled to your confidence. They are a tissue of misstatements in the various forms of direct untruths, deceptive suppressions, and false colorings. Of his pretence so boldly put forward that "under his control," and through "his exertions only," "the right of the heirs is already established to the whole fund," your own intelligence will at once enable you to see the gross improbability. Though the right of the heirs is, I regret to say, not yet fully established, something has been done towards that end; but the proceedings already had were under provisions of local laws, with which it would be no disparagement to a foreign advocate of even a high grade to suppose him less familiar than counsel are, whose daily business it has long been to act under those laws. The fact is, that his ignorance of our laws and his pertinacity, notwithstanding, in pressing his own conceptions, have all along greatly impaired the utility of his zeal. So far as the records of the orphans' court and the circuit court can be appealed to as evidence, they falsify the claim which vanity, or a deeper motive, has induced him to assert. Most of the papers prepared by counsel are in Mr. Bradley's handwriting. The only two of any length or moment in Mr. Tochman's, were one of which he was the mere copyist, and another which he filed against our remonstrances—a proceeding certainly useless, and which very nearly became mischievous. The officers of both the courts would be ready to testify that his share in the oral proceedings before them was equally insignificant. From what I have before said, you will be able to appreciate his claim to having obtained an amendment of our testamentary law; to the discovery of the will of 1816; to his having forced from the administrator the \$40,000 bond, &c., &c., &c. Equally unfounded is his story of having secured \$5,800 by injunction. He was, indeed, very anxious to apply for an injunction, and it was with difficulty that he was dissuaded from it. We so far yielded to his urgency as to concur with him in giving a notice to the bank, believing that no harm would arise from the measure. In his letter of 18th January, he says:

"Had Messrs. Swann and Sampson, and, after their death, Messrs. Fendall and Smith, done their duty—had they not permitted Mr. Bomford to collect the moneys of the estate, and to speculate therewith—we could recover now the whole fund, without any further litigation."

It is difficult to determine whether ignorance or falsehood predominates

in this passage. The law not only gives the administrator full power to collect assets, but makes it his duty to do so; if he does not apply them to the payment of debts, or invest them, the court will charge him with interest; he has the control of them till distribution, and the remedy of the distributees is on the bond. Though I know nothing of Colonel Bomford's alleged speculations, and Mr. Tochman has never furnished a particle of proof on that subject, yet, as I have before stated, so soon as counsel were definitively engaged in the case, the necessary steps were taken to make the security ample. But, even if the counsel denounced by Mr. Tochman had acted differently, what pretence is there for his declaration that the money could then be recovered without further litigation? The will of 1816 is recorded; but the courts have yet to decide on the legal effect of the revoking clause in it, and on various other questions arising out of the several testamentary papers.

In a former part of this communication I have explained the circumstances which, in Mr. Bodisco's judgment, made it necessary for the heirs to give a power of attorney to Mr. Bradley and myself—an expedient occasioned by an ebullition of Mr. Tochman's selfish and reckless vanity, which he fully understood from us was never to be used to the prejudice of our agreement with him, and in which he repeatedly acquiesced. Yet he denounces us, in a private letter to the Russian minister, as having obtained this power "by undue means, and contrary to law," and threatens to sue us. A charge like this, made out by proof against any counsel practising at our bar, ought to, and would, insure his instantaneous expulsion. Of one of the parties against whom it was directed I shall not, of course, speak. But of Mr. Bradley I may say, what you probably know already, that, while he stands in the very highest rank of learned lawyers and powerful advocates, his character as a gentleman of lofty and stainless honor is equally conspicuous. False, malicious, and secret as the calumny was, it received the only notice it deserved—a notice to the slanderer that we could hold no further intercourse with him. This denunciation of us being, moreover, an act which we regarded as an abandonment by him of an agreement under which he had become associated with us, we further informed him that we should not recognise him as any longer entitled to act in the case which we were exclusively authorized to conduct. He then filed a paper in the orphans' court, which at once brought up the question of his authority to act for the claimants. This he rests on a power of attorney from three of the claimants to Mr. Chutkowski, and sundry letters from Mr. Chutkowski and some of the claimants to himself. His recent extraordinary proceedings made it, we thought, our duty to the heirs to resist his pretensions, and this duty seemed more imperative when, in the progress of the discussion, he admitted that he had made statements to your family similar to those contained in his letters to Mr. Bodisco—an admission from which it follows that any authority which your belief in those statements may have induced you to give to him was obtained by false pretences. From the tenor of your letters, viewed together, we supposed also that it was not probably your wish that he should take control over your affairs against the judgment of Mr. Bodisco, on whose good offices you seem throughout mainly to rely. In the progress of his controversy with us, he has read in open court confidential letters addressed to him by the counsel associated with him on the most delicate points of the case, and has even

filed those letters in court for the information of the adversary—thus utterly disregarding, in the pursuit of personal interests and feelings, the plainest dictates of professional duty. The effect of this proceeding on your interests is yet to be seen.

The atrocity of Mr. Tochman's communications to Mr. Bodisco left open to us, you will have seen, no course consistent with self-respect, other than a refusal to hold any further intercourse with him. You will also have seen that a due regard to your interests required also that we should, as we did, resist his sinister efforts to control them; and this consideration became still more imperative when he proceeded to publish the secrets of those whom he claimed to be his clients. We required, in the orphans' court, strict proof of his alleged authority, and fully exposed before that tribunal the true nature of his proceedings. We shall take the same course before the circuit court, as well in self-defence as to prevent, if possible, any results from his acts injurious to the heirs before their final resolution can be formed as to the representation of their interests in this country after they shall have read the exposition just given. I pray you to believe that, in giving it, I have no purpose nor desire to solicit a continuance of my connexion with your case. On this head you will, of course, exercise your own will; and any determination you may come to will be entirely agreeable to me. If, however, it should be your wish that Mr. Bradley and myself should act for you, you have no time to lose in executing and transmitting to Mr. Bodisco the power of attorney which he sent to you. In that event, you will understand that we shall regard and use it as an *exclusive* authority, though it was originally forwarded to you with a very different object on our part. But, after reading the foregoing narrative, you can hardly deem it necessary for us to say, that under no possible circumstances can we ever act again in any way with Mr. Tochman.

I have the honor to be, madam, very respectfully, your obedient servant,

P. R. FENDALL.

Mrs. CATHARINE ESTKO.

B.

BALTIMORE, *October 6, 1847.*

MY DEAR SIR: By this mail I have the honor to forward you a letter from the agent of the heirs of the late General Kosciusko, requesting you to deliver me certain papers he supposes to be in your possession touching their claim to the estate left by their ancestor in this country.

I expect to be in Washington on Friday, and, if there is no difficulty about the papers, will be glad to obtain them of you. In the mean time I remain, with great regard, your friend and servant,

REVERDY JOHNSON.

His Excellency Mr. BODISCO, &c., &c.,
Georgetown.

C.

WASHINGTON, *December 1, 1847.*

SIR: As you are under the impression that the Emperor of Russia has interfered in the Kosciusko case, I am duly bound to inform you, sir, that his imperial Majesty has no knowledge whatever of the existence of that claim, and I no recollection of ever having connected the Emperor's name with this affair. But the imperial government, by an act of benevolence, and at the urgent request of a poor widow, have authorized, some thirty years ago, the legation at Washington to protect a Russian subject by appointing a suitable person to take care of her interests. This act of kindness was done conscientiously, and the Kosciusko case has since always been in the hands of eminent and honorable American lawyers. In the course of time Mrs. Estko has been induced to believe that her interests were neglected, and she appears to have given a new full power. I have not seen the document; but I am told that it is limited by the express clause, that in due time the amount of the inheritance should be delivered to the Russian legation. Mrs. Estko has the uncontested right to mind her own private affairs; but was it not her duty to inform the government of her new arrangements? And had she done so, it would have afforded me great pleasure to be dispensed of any further trouble about her inheritance.

I am much obliged to you, sir, for all the useful information condensed in your letter. It has given me an opportunity to ascertain that the individual rights are the same in both countries.

I had the honor to refer you to Messrs. Fendall and Bradley for information, and you acknowledge this courtesy by the supposition that I have forbidden them to show the papers. It is but fair that I should request my two esteemed friends to inform you how far they are inclined to submit to any orders in cases committed to their care, and to state to you the unabated kindness of the legation, and the extent of her pretended interference in a private matter.

I regret to be compelled to renew the expression of my conviction that no power exists that could compel a foreign minister to surrender any papers intrusted to him by his government. There is, however, a fair course to be pursued in this matter. If you address yourself to the Secretary of State, he will, very likely, instruct Mr. Ingersoll to claim the papers; and when ordered by my government, I will be quite happy to deliver them to Mr. Buchanan.

There was no enclosure in your first letter, which I received, as well as the last, accidentally, having no regular communication with the Georgetown post office.

In closing my correspondence on this subject, I have the honor to be, sir, your very humble servant,

ALEX. BODISCO.

HON. REVERDY JOHNSON,
United States Senator.

Ex.—2

D.

WASHINGTON, *May 20, 1850.*

MY DEAR SIR: I received last evening your note of the 14th, and the documents from the State Department by which it is accompanied, and will rapidly sketch the outline of the facts within my knowledge, connected with the affair to which it refers.

I first became interested to examine into the claims of the heirs of Kosciusko to a fund in this country left by him in the hands of Mr. Jefferson, when, some time in the year 1842, I was applied to by Mr. Chutkowski, who then supposed himself to be one of the heirs. I found the interests of the heirs at that time under the professional charge of yourself and Mr. Bayard Smith, and a contest going on in the circuit court, instituted against them by a Pole named Klimkiewicz. I participated in the successful effort then made to defeat that claim.

In the year 1845, Mr. Chutkowski having found that he was not entitled, and having opened a correspondence with the heirs and received from some of them a power of attorney to represent them and employ counsel, and I having declined to interfere in the affair while it was still in your charge, engaged the services of Major G. Tochman, who came to Washington seeking to take the business out of the hands of yourself and Mr. Smith. He also applied to me, and I again declined. Shortly after this, Mr. Bodisco having previously been requested by Mrs. C. Estko, with whom, on the behalf of the heirs, the correspondence was chiefly conducted, to engage my services, Mr. Smith having retired, and you having, with the approbation of Mr. Bodisco, proposed to me to take Mr. Smith's place, we formed an agreement with Mr. Tochman, under which proceedings in behalf of the heirs were actively begun and pursued for a year. When Major Tochman became associated with us he was distinctly and clearly informed that his position towards the Russian government rendered it impossible for the minister of that government to recognise him as the counsel; that the evidences and vouchers must, in all probability, pass through the Foreign Office, and our proceedings might be greatly embarrassed, if not defeated, by his name appearing in the correspondence through that government as counsel for the heirs, with whom, by the laws of that country, he could not correspond; and to all this he assented. Subsequently it became necessary, in consequence of his acts, to obtain a new power from the heirs. This it was agreed should be in your and my name, subject to our agreement with him, by which he was placed on the same footing with ourselves. During the whole of this negotiation Mr. Bodisco exhibited the most anxious desire to promote the interest of the heirs, and did not at any time in any manner, to my knowledge, interfere with the professional pursuits or engagements of Mr. Tochman. On the contrary, he approved of our association with him, stipulating only that he should not be obliged, officially or otherwise, to recognise him as counsel.

Thus matters remained for more than a year, when Mr. Tochman addressed a letter to Mr. Bodisco, in substance charging us with endeavoring to get the power of attorney to which I have referred above, with intent to defraud him. We then broke off our association with him, and refused to recognise him in any way. We claimed to represent the heirs under the authority vested in us. He claimed under the power to Chutkowski,

and by virtue of a correspondence he had had directly with some of the heirs. The contest arose in the orphans' court. The judge of that court felt great difficulty in the matter, and, as I learned from him, waited, in company with Mr. D. Jenifer, on Mr. Bodisco, to obtain from him a history of the facts, which would enable him to decide who was entitled to represent the heirs. We also (you and I) having, as we thought, good reason for the course we then pursued, called upon Mr. Bodisco to address a letter to the judge, which should tend to preserve the rights of the heirs till they could be heard from in some authentic shape. We applied to him as the agent from and through whom we had received our authority, and all the documents tending to support the pretensions of the parties we represented, which papers and documents had been prepared at the expense of the Estkos alone. He did write the letter thus requested by us, and that is the second interference. In this he was fully justified by the instructions he had received from his government, by his relation to the heirs, and by the obligation he owed us to sustain us in the position in which we were placed, acting under the authority thus derived from and through him. It could make no difference who was the person who was seeking to supplant us.

The letter you refer to, to Mrs. Estko, was then written and forwarded by you. In the fall of the same year Captain Ladislaus Vankovitch (Wankowicz) was introduced to us by Mr. Bodisco as one of the heirs of Kosciusko, and as representing some others. He professed and declared that he came to us of his own accord; that he had brought with him but small means, as he expected, in consequence of letters written by Mr. Tochman, to receive his portion of the estate shortly after his arrival, and that he had received kindness and courtesy from the Russian legation, particularly from Mr. Bodisco. Mr. Cramer, the secretary of legation, repeatedly came with him to act as interpreter. He engaged us, and we went to work. In the spring he told me the affair was likely to be protracted a long time, and he could not live here; that he had during the winter received aid from the Russian legation, or he could not have paid his board. He asked me to lend him money on the strength of his claim, to return to Russia, or to buy it at any sacrifice; and finally, on my declining both of these propositions, he insisted that I should unite in obtaining a law to remove the cases to some other court. This also I declined; told him I thought I perceived he was dissatisfied, and advised him, if so, to employ other counsel. This was my last interview with him, and very shortly after that he revoked the authority he had given to us.

From 1842, then, to this time, I have witnessed the progress of these cases, and had opportunities to observe the conduct of Mr. Bodisco. I know that he made an effort to obtain permission for Mr. Chutkowski to return to Poland; that he did not at any time, to my knowledge, object to the employment of Mr. Tochman, unless that employment required his recognition of him; that he even advised his employment, so that he should not officially be obliged to notice it; that he has uniformly, actively, and earnestly, with promptness and courtesy, acted in all instances to advance the interests of the heirs; that he treated Vankovitch (Wankowicz) with kindness and courtesy, (and, as I understood from the latter, lent him money for his support;) and when, at the instance of Mr. Tochman, Mr. Reverdy Johnson came into the cause without my knowledge, and without yours, as I understand, (we still claiming the exclusive right to control it,) he re-

ferred him to us for information as to the documents in our possession. We have since received a full, absolute power of attorney from the heirs representing the Estko branch, and revoking all former powers, yet acting under his instruction and authority. These papers and documents are still open for the information of Mr. Johnson. He has not made any application to us for that purpose, and no denial has ever been given by me, nor, I presume, by you, to any one properly authorized by any of the heirs to inspect them. I cannot, then, conceive the least shadow of complaint which can be urged against Mr. Bodisco, unless it be that he will not attempt to take from us (duly authorized attorneys) papers and documents placed in our hands by our clients, at whose expense alone they were prepared, to put them in the hands of persons who have no right to them.

I am, very truly, yours,

JOS. H. BRADLEY.

P. R. FENDALL, Esq.

MEMORIAL of Ladislaus Wankowicz, great-grandnephew of Kosciusko, and of G. Tochman, attorney of the heirs of Kosciusko, praying that measures be taken to protect certain rights of the heirs of Kosciusko.

To the honorable the Senate and House of Representatives in Congress assembled :

The heirs of General Thaddeus Kosciusko, through the medium of their cousin, Ignatius Chutkowski, residing in New York, engaged the legal services of G. Tochman, a naturalized citizen and member of the bar of the United States, to recover certain property which General Thaddeus Kosciusko brought from Poland to, and left in, this country in 1798.

Your memorialist, G. Tochman, is a native of Poland, served as major in the Polish army during the revolutionary war of 1830 against Russia, and was subsequently elected vice-president of the Polish council in France. For these and other services which he rendered to his native land he had his property in Poland confiscated, was exiled, and disqualified by the laws of Russia from transacting any business for the subjects of the Russian empire.

It is not questioned that the Russian government has a right, secured to it by international policy, to enforce, to the full extent, the severity of its laws upon any of its subjects *within the dominions of Russia, and within the dominions of subjected Poland*; but it is submitted to the honorable the Congress, that Mr. de Bodisco, minister from Russia to this government, undertook to enforce those laws upon your memorialist, G. Tochman, *in this country of his adoption*—which is inconsistent with the principles of international law, as defined by Huberus, Lib. I, lit. 3, de Conflictu Legum, § 2, p. 538; Story's Conflicts of Law, § 29; Vattel's book IV, chap. VII, § 94.

To attain this illegal purpose, Mr. de Bodisco officially interfered between the heirs of General Kosciusko and your memorialist, G. Tochman; he caused to be prepared here, in the name of two lawyers of the Washington bar, a form of a power of attorney intended to supersede the authority of your memorialist, G. Tochman, and forwarded the same to St. Petersburg, requesting his government to obtain the signatures of the

heirs, whereby he openly violated the provisions of the treaty between the United States and Russia, which secures to the subjects of the respective countries the exclusive management of their legal business in the countries of the parties to that treaty, as it will fully appear from the treaty of 1832, vol. 8, United States Statutes at Large, p. 448, § 10.

It is submitted to the honorable the Congress that some of the heirs of Kosciusko were forced to sign that form of power of attorney, some resist it to this day, and one branch obtained leave from the Russian government to send one of its members to this country to take the business under their special control, which devolved upon your memorialist, Ladislaus (Vladislas) Wankowicz, great-grandnephew of General Kosciusko.

It is further submitted to your honorable bodies, that when your memorialist, Wankowicz, came to this country, Mr. de Bodisco interfered again with the business, and forced upon him two lawyers of his own choice, (Messrs. Fendall and Joseph H. Bradley;) and when your memorialist, Wankowicz, expressed his desire to retain as his counsel the Hon. Reverdy Johnson, who, before the arrival of your memorialist to this country, had associated in the cases with Major G. Tochman, he (Mr. de Bodisco) denied him this privilege, saying "I hate Mr. Johnson because he aids that rebel Tochman."

Unjustifiable and offensive as was this interference of Mr. de Bodisco with the rights of your memorialist (Wankowicz) in this land of liberty, he was obliged from policy to submit to it—the laws of Russia making punishable as rebellion disobedience to its ministers, even in foreign countries. But your memorialist soon perceived that he could not continue to obey Mr. de Bodisco's directions without impairing his own good name, and exposing to great injury his interest, as well as that of other heirs, in the estate which General Kosciusko left in this country. These considerations decided your memorialist (Wankowicz) to discontinue his communication with Mr. de Bodisco; and Messrs. P. R. Fendall and Joseph H. Bradley were informed by a letter that henceforth the Hon. Reverdy Johnson and Major G. Tochman were his counsel again.

This occurrence was reported by Mr. de Bodisco to his government, and, by reason thereof, the property of your memorialist (Wankowicz) in Lithuania became confiscated. Your memorialist, upon learning it, declared his intention to become a citizen of the United States, and subsequently prepared and sent, through the medium of the Hon. A. P. Bagby, then minister of the United States at St. Petersburg, a memorial to his Majesty the Emperor of Russia, of which a copy is annexed to this memorial, and marked No. 1.

It is further submitted to the honorable the Congress that, shortly after the memorial addressed to his Majesty the Emperor of Russia was sent to St. Petersburg, your memorialist (Wankowicz) received a letter from a cousin informing him that Mr. Nesselrode, minister of foreign affairs of the empire of Russia, disavowed the interference of Mr. de Bodisco in the legal business of the heirs pending in the courts of the United States. Whereupon your memorialist (Wankowicz) addressed to Mr. Nesselrode a note explaining the motives why he had sent his memorial directly to the Emperor, leaping over the doors of his office; a copy of this note, with its exhibits, is hereto annexed, and marked No. 2.

Soon after that, the Hon. A. P. Bagby returned from St. Petersburg, and from him your memorialist learned that his memorial to the Emperor

did not reach Mr. Bagby, he having left St. Petersburg before the mail which carried it reached that city; the Hon. A. P. Bagby therefore wrote from Washington to the consul of the United States at St. Petersburg, requesting him to open the letter addressed to him, in which said memorial to the Emperor was enclosed, and to deliver the same to Mr. Nesselrode, to whom he also addressed a note herewith annexed, marked No. 3.

As to this day your memorialist (Wankowicz) received no answer from his Majesty the Emperor of Russia, nor from Mr. Nesselrode, minister of foreign affairs of the empire of Russia, your memorialists most respectfully solicit for the heirs of Kosciusko the protection of this honorable Congress, by adopting such measures in the premises as, in the wisdom of your honorable body, may be deemed proper and effective, and would call the attention of his Majesty the Emperor of Russia to the memorial which your memorialist (Wankowicz) addressed to him.

Your memorialists respectfully submit to the honorable the Congress, that the issue of the memorial addressed to his Majesty the Emperor involves the fortunes, and perhaps personal liberty, of all the heirs of General Kosciusko living under the government of Russia—of a Kosciusko who fought during the revolutionary war of America by the side of the illustrious sires of this great republic, and never claimed any remuneration for it.

Your memorialists further submit, that all the misfortunes set forth in that memorial and its exhibits have befallen the heirs of Kosciusko in asserting here their rights to the property which *General Kosciusko brought to this country from Poland* after he was released from the prisons of St. Petersburg, into which the last downfall of Poland threw him—an event which the celebrated poet announced to the world in this significant language:

“ Hope, for a season, bade the world farewell,
And Freedom shrieked as Kosciusko fell !”

From these considerations, therefore, the memorialists, who represent here all the heirs of Kosciusko who cannot speak for themselves, beg leave to hope that the honorable Congress will give prompt and effective attention to this their memorial.

LADISLAUS WANKOWICZ,
Great grandnephew of General Kosciusko.
G. TOCHMAN,
Attorney of the heirs of Kosciusko.

No. 1.

[Translated from the French.]

WASHINGTON, D. C., April 14, 1849.

SIRE : The undersigned, great-grandnephew of General Thaddeus Kosciusko, submits to your Majesty the following complaint against Mr. de Bodisco, envoy extraordinary and minister plenipotentiary of your Majesty near the government of the United States.

The late General Thaddeus Kosciusko left in the United States of America a fund, which has accumulated to the amount of \$60,000 United

States currency. This estate devolves by succession upon the grandchildren and great-grandchildren of the two sisters of General Kosciusko—Ann, who was married to Peter Estko, and Catharine, who was married to Charles Zolkowski.

In 1818, the late Stanislaus Estko, major in the Polish army, and grand-nephew of General Kosciusko, was informed of the opening (l'ouverture) of the said succession, by Mr. de Poletico, then minister of your Majesty's august predecessor to the government of the United States of America, through Prince Zaigczek, then viceroy of the kingdom of Poland. In 1823, the said Stanislaus Estko, and Mrs. Catharine Estko, widow of Thaddeus Estko, the latter acting in the name of her minor children, requested and authorized Baron de Thuye, who succeeded Mr. de Poletico as minister, to retain a counsel who would prosecute the claim of the heirs to the said succession. Messrs. Swann & Sampson, members of the Washington bar, were retained as their counsel; but both died in 1836, leaving the suit unfinished; and since that time there was no one in the United States to manage the case. This encouraged a certain Klimkiewicz to arrogate to himself the title of grand-nephew of General Kosciusko, and to commence legal proceedings in order to get possession of the estate. Mr. de Bodisco, who succeeded Baron de Thuye, could not be ignorant of the imposture of Klimkiewicz; but did not take any measure to protect the rights and interests of the heirs. It was Ignatius Chutkowski, a cousin of the Estko family residing in the United States, who exposed the imposition of Klimkiewicz, and informed his cousins (the Estkos) of it, who, upon obtaining permission from your Majesty's government at Grodno, hastened to prepare and send to him a power of attorney with authority to employ counsel who would prosecute their claim. But the difficulties which said Ignatius Chutkowski experienced on the part of the Washington lawyers, induced him to request his cousins (the Estkos) to solicit for him the protection of Mr. de Bodisco, and accordingly Mrs. Estko wrote two letters to the minister, one of which was delivered to him personally by Chutkowski.

Mr. de Bodisco, instead of aiding Mr. Chutkowski in the employment of a counsel, as he was requested by Mrs. Estko, attempted to withdraw from him the superintendence of the suit. He recommended two lawyers of his own choice to the Estkos, one of whom was a relative of the administrator against whom the suit for the recovery of the estate was to be instituted, and the other refused even to confer on the subject with Mr. Chutkowski. This circumstance compelled Mr. Chutkowski to make use of his authority by engaging the legal services of Major G. Tochman, a member of the New York bar. He informed his cousins (the Estkos) of this, who approved his choice, and communicated the same to Mr. de Bodisco by a letter, a copy of which is herewith enclosed and marked A.

Major G. Tochman found the administrator, in whose hands the estate was, in an insolvent condition, but succeeded by prompt process in securing the whole fund; and as he also brought to light a will of General Kosciusko, the existence of which was concealed from the heirs during nearly thirty years, and which annuls the former wills which were opposed to their claim, it was, therefore, he who really saved the estate and established the foundation of the right of the heirs. Nevertheless, Mr. de Bodisco undertook to take away from the Major the management of

the case, he being a political Polish exile, and, as Mr. de Bodisco thought, incapable of transacting any business whatever for your Majesty's subjects even in the United States. The Major resisted this interference in his legal business within the United States as an encroachment upon his privileges as a citizen of those States, not denying, however, the power of your Majesty's government to enforce upon him the severity of that rule within your Majesty's dominions. To defeat this resistance, Mr. de Bodisco made to your Majesty's ministry a report, being on file among the papers of Mr. de Polenoff, director of the home department, in which he depreciated the Major's personal character, in order to induce your Majesty's government to force the heirs of Kosciusko to sign a form of a power of attorney which he had caused to be prepared here in the name of two lawyers of his own choice. By such means, some members of the Estko family were compelled to sign the said form of a power of attorney. As to the Zolkowski family, they determined to send one of their members to the United States to attend to their interests. Whereupon the undersigned, after having obtained permission from your Majesty's government, came to Washington in September, 1847, where he learned that, shortly before, the honorable juriconsult Reverdy Johnson, then senator and now member of the cabinet of the President of the United States, had associated himself with Major Tochman as counsel of the heirs: a sufficient proof of itself to what a degree the said report of Mr. de Bodisco, so far as it relates to Major Tochman, was incorrect. Mr. de Bodisco, however, instantly ordered the undersigned to revoke the authority of Major Tochman; and further, he forbade him to employ as his counsel the honorable and distinguished senator Reverdy Johnson, because he had associated himself with the former.

Although this change of counsel was very injurious to the interest of the heirs, the undersigned submitted, fearing lest his opposition might be construed as rebellion against your Majesty. But he soon perceived that, were he to continue to follow the directions of Mr. de Bodisco, he would injure his name and honor. Persuaded that your Majesty would not require of the heirs of a Kosciusko such a sacrifice, the undersigned notified the lawyers forced upon him by Mr. de Bodisco that their authority was revoked, and that henceforth the honorable senator Reverdy Johnson and Major G. Tochman were his legal counsel.

Mr. de Bodisco, upon learning this, attempted to insult the undersigned in a public place in the city of Washington, by threatening that he should never see his country, meaning that he would be transported to Siberia if he should return there. Since that time the undersigned received no communication from his relatives. He has, however, been informed through other channels that his property in Lithuania, the village Kamionka, situate in the district of Wilno, has been confiscated. This is the reason why the undersigned begs leave to submit, most respectfully, the foregoing circumstances to the supreme consideration of your Majesty, supplicating that it may please your Majesty graciously to direct—

That an order be given to Mr. de Bodisco not to interfere any more in the said affair.

That an order be given to the respective authorities not to molest the other heirs of Kosciusko.

That, finally, full liberty be granted to the heirs to employ the counsel

of their own choice for the prosecution of their claim to the succession of Kosciusko in the United States.

As, besides, the undersigned has reason to suppose that Mr. de Bodisco may have made some report less favorable to him to your Majesty's government, he takes the liberty to state that he was captain in the third corps of infantry of your Majesty's army; that he obtained a most honorable discharge; that he was then elected and appointed as judge of the district of Wilno, and that he performed the duties of that office honorably; all which is proved by the certificate herewith enclosed and marked B. And for further testimony as to his personal character, he refers to General Tymofiejef, late commander of the 5th division and now commander of the 5th corps of infantry of your Majesty's army, and also to all the officers of the regiment Branskoy, in which the undersigned served.

LADISLAUS WANKOWICZ,

Great-grandnephew of General Thaddeus Kosciusko.

To his Majesty NICOLAS THE FIRST,

Emperor of all the Russias.

A.

[Translated from the Polish.]

SIECHNOWICZE, December 24, 1845.

DEAR COUSIN: We willingly consent to Mr. Tochman being our attorney, whom you have recommended to us as a gentleman of honor and of integrity. We rely upon you, dear cousin, being entirely convinced that you are incapable of doing anything which might be prejudicial to our interest.

As to the lawyers whom his Excellency Mr. Bodisco recommends to us, we have no confidence in them, as they make propositions which we cannot accept. They ask from us \$500 in advance: it inclines us to the belief that they are interested persons.

I send you, my dear cousin, a copy of the letter which his Excellency Mr. Bodisco wrote to me, and also a copy of the official despatch of his Excellency Mr. Bodisco as ambassador at Washington city, in the United States of America, to our foreign minister Mr. Nesselrode, in order that the latter might communicate it to us. Perhaps it will be of some use to you: it may be that you will discover the designs of those gentlemen there. I beg you, my dear cousin Ignatius, to inform us what became of the land in Ohio, of which those gentlemen write to us as being lost to us, as you will see it from the papers which I herein enclose to you. It seems to us that it cannot be so, as these gentlemen tell us. We cannot understand how the land could be sold before its owner was found out. As to the debts of Klimkiewicz, if we, lawful heirs of Kosciusko, gain the suit, it will show that Klimkiewicz was an impostor; and whatever debts he might have contracted, they cannot bind our fund.

The ambassador, Mr. Bodisco, says, in his letter, that we are bound to remunerate the former lawyers. I do not know why; they have done nothing, and it is only to your interference that we are indebted for the

delay which was necessary to enable us—living, as we are, at so great a distance—to collect the evidence of our inheritance.

I send you, also, a copy of the letter *which I have written just now to the ambassador, begging him to remit the papers to the counsel whom you have recommended to us.*

I write also to Mr. Tochman, begging him to take under his care our business, and securing to him the remuneration for his legal services which you promised to him. I think that our word should satisfy him as to the assurance of his pay, and we hope he will take up our business and prosecute it with activity.

We beg you, however, dear cousin, to tell Mr. Tochman that he will be entitled to his remuneration when he shall have gained our cause.

Should it be necessary to give him a formal power of attorney, please inform us of it; and as you have also a power of attorney from us, on the strength of which you will please to authorize him in the meanwhile to proceed immediately.

You propose to us that we should name another counsel in the person of Mr. Bradley.* If it is absolutely necessary, we agree to it; but it would be better if it could be done without him, for it would be necessary to pay him also; and if we could save some money by dispensing with his services, we should prefer to offer you a still larger compensation.

As to the business of Miss Elizabeth Mange, we have made the necessary inquiries; but until now, nothing has been accomplished.

Farewell, my dear Ignatius. Your well-wishing cousin,

CATHARINE ESTKO.

MR. IGNATIUS CHUTKOWSKI.

[Translated from the French.]

Copied from the letter of Mrs. Catharine Estko to Mr. de Bodisco, dated November 2, (14) 1845.

I cannot sufficiently express my gratitude for the kindness with which your Excellency has been pleased to interest himself in our affair, which encourages me yet to address myself to your Grace. Be so good as to accept the assurance that your advice is of the highest importance to me; but your Excellency is, perhaps, not aware that Mr. Smith is a relative to Mr. Bomford. I beg leave also to remind you that we must proceed against the administrator, who uses the funds; besides that, at present it is beyond our power to send the sum of \$500 required of us. Our cousin, Mr. Chutkowski, has given us proofs of his devotion and fidelity: he recommends to us for our counsel Mr. Tochman, of New York; and as it appears from the letter of the 4th (16th) May, 1845, which I had the honor to receive from your Excellency, that the lawyers are not legally retained, yet, pursuant to the permission which has been granted us to select counsel who would defend our cause in the courts of America, we

* Mr. Bradley was never employed under this authority by Mr. Chutkowski; he was employed, together with Mr. Fendall, by Major Tochman; but this association was dissolved in consequence of Mr. Bodisco's interference in this affair.

wish to give preference to the last named gentleman. Your Excellency will, therefore, please to excuse me for requesting that this change of counsel be allowed; and I beg you to transmit to him, through Mr. Chutkowski, residing in New York, the papers which were in the hands of the former counsel. May it please your Excellency to consider that Messrs. Fendall and Smith have not advanced our affair; consequently, I suppose they have no right to claim fees, &c.

B.

[Translation from the Russian.]

CERTIFICATE.

[Government stamp.]

By order by his Imperial Majesty the Autocrat of all the Russias, the circuit court of the district of Wilno gives this present to the judge of this court, Ladislaus Wankowicz, late captain in the army, and certifies that he, Wankowicz, as is proved by his honorable discharge from the military service, professes the Roman Catholic religion, was born of a noble family, is unmarried. That he entered the military service as private in the Field-marshal Wellington's regiment of infantry on the 23d day of February, 1829; was promoted to the rank of corporal in the same regiment on the 20th day of November, 1829; was advanced to the rank of cadet on the 11th day of August, 1830; was commissioned as third lieutenant on the 22d of June, 1832; promoted to the rank of second lieutenant December 3, 1834; to the rank of adjutant of battalion on the 12th day of June, 1835; to the rank of first lieutenant on the 1st day of August, 1837; was complimented, among others, by a tender of thanks for his services, and honorably noticed in the general order of his Majesty of the 8th day of August, 1835; that he received an honorable discharge from his military service in the rank of captain, with an honorable recommendation bearing date June 30, 1839; on the 11th day of March, 1840, he was elected by the assembly of the citizens of the district of Wilno as judge of the circuit court of said district, which last post he occupied until the 20th day of April, 1844; he was never fined nor court-martialed during his military service; and pending his civil functions, he signalized himself as able and worthy of the trust, and filled the office with integrity and laudable zeal.

In testimony whereof, this certificate is given to him under seal of the [L. s.] court, in the city of Wilno, this 15th day of June, 1846.

President of the court, BOGUCKI.

Judge, BOROWSKI.

Judge, JASIEWICZ.

Judge of the Crown, NOWICKI.

For the Secretary, Chief of the Bureau of the Government of Wilno:

Secretary, BYCHOWIEC.

UNITED STATES OF AMERICA,

Washington, D. C., April 12, 1849.

I hereby certify that the foregoing certificate is a true and correct translation from the original, written in the Russian language, and translated by me the day and the year above written.

STEPHEN J. DALLAS.

No. 2.

[Translated from the French]

SIR: I have addressed, on the 14th of April, a memorial to his Majesty the Emperor, of which the enclosed (marked A) is a copy.

In answer to the request of the Hon. Reverdy Johnson, then a senator, and now a member of the cabinet of his Excellency the President of the United States, (who defends, with Major G. Tochman, the cases of the heirs of General Kosciusko, pending in American courts,) to deliver up to him the documents relating to said cases, Mr. de Bodisco, against whom the enclosed memorial contains a complaint, answered, by a letter of which the enclosed (marked B) is a copy, that he had, by order of his Majesty's government, confided the affairs of the heirs to the care of Messrs. Fendall and Bradley. I could not then but presume that he had acted so under the instructions from your Excellency, and this is the reason why I took measures to have my memorial delivered directly to his Majesty.

Having now learned, from a most reliable source, that your Excellency did not direct Mr. de Bodisco to interfere in the affairs of the heirs, I deem it due to your Excellency to inform you of the motives which induced me to address my memorial directly to his Majesty. In doing this, I have also the honor to inform your Excellency that the whole affair set forth in the memorial had been carried by Major Tochman before the Congress of the United States; that it was severely commented upon during the last session; and that it having not been finally decided, the debate will probably be resumed during the session of the next Congress.

Disagreeable as it is to me, I deem it to be my duty to transmit to your Excellency a copy of the Congressional Globe, which contains the proceedings relative to this subject. This document, which is marked C,* will show to what a degree the uncalled-for interference of Mr. de Bodisco in this affair became injurious here to the government of the Emperor, his master. I really believe that I render some service to the government of his Majesty by placing it in a position to escape the discredit which the conduct of Mr. de Bodisco has thrown upon it.

I have the honor to subscribe myself your Excellency's most obedient servant,

LADISLAUS WANKOWICZ,

Great-grandnephew of General Kosciusko.

To his Excellency COUNT DE NESSELRODE,

Minister of his Majesty the Emperor of all the Russias.

*This exhibit will be found in the Congressional Globe of the 30th Congress, 1st session, pages 818, 819, 820, 821, 822.

WASHINGTON, D. C., *May 29, 1849.*

SIR: It appearing from the letter which I received through you from my cousin Hippolitus Estko, a translation of which Major Tochman has communicated to you, that the Russian ministry lately answered the heirs of Kosciusko that it did not direct Mr. de Bodisco to interfere here with their business relating to Kosciusko's estate, and Mr. de Bodisco, in a letter addressed to your honor on the 9th day of November, 1847, which is now in the hands of Major Tochman, having stated in express terms that "the Kosciusko case has been confided to the care of Messrs. Fendall and Bradley by order of his government," I beg you respectfully to authorize me to enclose a copy of said letter of Mr. de Bodisco, with a correspondence which, in addition to the memorial already forwarded to the Emperor of Russia, I propose to address to his Prime Minister, Mr. de Nesselrode.

In the mean time I take the liberty of soliciting your recommendation and support in reference to the application which Major Tochman has made in my behalf to the Hon. Secretary of the Home Department. If a permanent appointment cannot be offered to me, a temporary, until I recover at least a portion of my share in the estate of Kosciusko, would answer.

As you know well the peculiar and unpleasant situation in which I have been placed, you will, I hope, excuse this liberty, and accept the assurance of the highest respect with which I have the honor to be

Your most obedient servant,

LADISLAUS WANKOWICZ,

Great-grandnephew of General Kosciusko.

HON. REVERDY JOHNSON,

Attorney General.

WASHINGTON, *May 28, 1849.*

SIR: The letter to me of his Excellency Mr. Bodisco, to which your note of yesterday refers, you are at liberty to use as you purpose.

I need hardly add, that it will give me unaffected pleasure to make intercession for you with Mr. Ewing.

A descendant of Kosciusko, who evidently shares in the patriotic spirit of his ancestor, can never fail to find in an American, who is not dead to the past, all the sympathy which his condition may demand.

Yours with regard,

REVERDY JOHNSON.

Captain WANKOWICZ,

Washington.

B.

WASHINGTON, *November 9, 1847.*

SIR: The Kosciusko papers have been intrusted to the legation by the imperial government, and cannot be given up without a formal order of

the Russian Foreign Office. Though I do not exactly know what interest you can take in this affair, I deem it proper to inform you, sir, that the Kosciusko case has been confided to the care of Messrs. Fendall and Bradley by order of my government. These very honorable and generally respected members of the Washington bar have free access to the above-mentioned papers, and I have the honor to refer you, for any information that could suit your purposes, to these two gentlemen, whose high standing is very likely known to you.

I remain, with high regard, your very humble servant,

A. BODISCO.

HON. REVERDY JOHNSON,
United States Senator, &c., &c.

Answer of the Hon. Reverdy Johnson to the above letter of Mr. Bodisco.

BALTIMORE, November 23, 1847.

SIR: Absence from home for some days has prevented the receipt of your letter of the 9th instant, until now.

I have no copy of the communication of the Polish gentleman which I enclosed to you; but if you will refer to it, you will see, if I recollect its contents, that it requested you to hand the papers in your possession relating to the estate of General Kosciusko to me, as the counsel of the heirs.

The interest, then, I have in this affair, is in that capacity; and I should have hoped that my character was too well known even to you to have had it doubted for a moment that I would not assume to attend, of course, in any case, without full and unquestionable authority.

This authority, in the United States, can only be given by the parties interested. It is an affair with which government has nothing to do, and with which, whether foreign or domestic, it will not be permitted by our courts to interfere.

Suitors with us, whether Russians or Americans, are free to select their own counsel, whatever may be the case elsewhere. If, therefore, the use of the papers you control shall become necessary in the promotion of the case of the heirs of Kosciusko, whom I represent, I shall endeavor to obtain them without asking for an order from the Russian Foreign Office.

As to Messrs. Fendall and Bradley, no one esteems them more than I do, as well personally as professionally; nor have I any doubt that they would cheerfully offer me any information they may possess, important to the interest of the heirs, unless forbid to do so by the Emperor of Russia, at whose instance, through you, as I collect from your letter, they are employed, &c.

No. 3.

Copy of a note addressed by A. P. Bagby to his Excellency Count de Nesselrode, Chancellor of the Russian Empire.

Mr. Bagby presents his respects to his Excellency Count de Nesselrode, Chancellor of the Russian Empire, and begs leave to inform him,

that early in the month of May a memorial was forwarded to Mr. B., addressed to his imperial Majesty, by Captain Ladislaus Wankowicz, the grand-nephew of General Kosciusko, protesting against the interference of the Count de Bodisco in certain lawsuits pending in the judicial tribunals of the United States of America, in which the heirs of General Kosciusko are parties. Mr. B. is informed that a copy of said memorial was at a later period forwarded to your Excellency. Mr. Bagby has this day written to the American consul at St. Petersburg, to deliver said memorial to your Excellency, with request that you would at your earliest convenience deliver it to his imperial Majesty. The object of this communication is to call your attention to the subject of said memorial, and to repeat the request conveyed to your Excellency, through Mr. Venschassen, to apprise Captain Wankowicz, at Washington, of his imperial Majesty's pleasure in the premises. Mr. B. does not pretend to judge of the facts contained in the said memorial, but begs leave to state that Captain Wankowicz has recommended himself to Mr. B.'s most favorable consideration, by the great propriety of his deportment, and the entire respectability of his character.

Mr. B. embraces the occasion to renew to the Chancellor of the Empire the best wishes for his continued prosperity and happiness.

WASHINGTON CITY, *July 20, 1849.*

that early in the month of May a memorial was forwarded to Mr. H. by
dressed to his Imperial Majesty by Captain Ladislaus Winkowicz, the
grand vizier of the Russian Empire, proposing against the introduction
of the Court of Arbitration in the judicial system of the United States of America, in which the Imperial
Czar of Russia has taken a very active and personal part.
At a later period forwarded to your Excellency, Mr. H. has the day
written to the American Consul at St. Petersburg, to deliver and present
it to your Excellency, with request that you would at your earliest
convenience deliver it to his Imperial Majesty. The object of this com-
munication is to call your attention to the subject of said memorial, and
to request the request conveyed to your Excellency, through Mr. W.
skolnik, to inform Captain Winkowicz, of the Imperial
Majesty's pleasure in the premises. Mr. H. does not pretend to judge of
the merit contained in the said memorial, but has leave to state that Cap-
tain Winkowicz has recommended himself to Mr. H. a great number of
considerations, by the great dignity of his department, and the entire re-
sponsibility of his position.

Mr. H. expresses the desire to reply to the Chancellor of the Empire
the best wishes for his continued prosperity and happiness.

Washington City, July 21, 1893.

It is with great pleasure that I receive from you the memorial of the
Imperial Majesty, the Emperor of Russia, proposing the introduction
of the Court of Arbitration in the judicial system of the United States
of America. I have the honor to acknowledge the receipt of the same, and
to inform you that it has been forwarded to the proper authorities for
their consideration. I am, Sir, very respectfully,
Your obedient servant,
John D. Long, Secretary of State.

Enclosed for the Imperial Majesty, the Emperor of Russia, is a copy of
the reply of the Secretary of State, dated July 21, 1893.